

BILL ANALYSIS

SB 1094

Date of Hearing: July 12, 1993

Fiscal: Yes

Urgency: No

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Assemblyman Byron D. Sher, Chair

SB 1094 (Killea) - As Amended: July 8, 1993

Senate Natural Resources & Wildlife	(9-2)	(5/11/93)
Senate Appropriations	(Rule 28.8)	(6/3/93)
Senate Floor	(24-12)	(6/9/93)

SUBJECT: FORESTER LICENSING:

SHOULD THE LICENSING AND SPECIALTY CERTIFICATE REQUIREMENTS FOR REGISTERED PROFESSIONAL FORESTERS (RPF'S) BE LIMITED TO THE PRACTICE OF MANAGING "FORESTED LANDSCAPES" AND EXCLUDE WILDLIFE BIOLOGISTS, FISHERIES BIOLOGISTS, BOTANISTS, ECOLOGICAL RESTORATIONISTS, STREAM RESTORATIONISTS, HYDROLOGISTS AND GEOLOGISTS?

DIGEST

Existing law, under the Professional Foresters Law of 1976, as amended:

- 1) Provides for licensing of professional foresters by the State Board of Forestry (BOF) and for the establishment of an examining committee to establish the qualifications and testing requirements for applicants seeking such licenses.
- 2) Permits persons to be registered as a certified specialist by the BOF in one or more fields of forestry instead of being registered as a professional forester. For such certificates, the BOF is required to develop occupational specialties and establish a scope of practice.

This bill revises the Professional Foresters Law to do all of the following:

- 1) Modify the definition of "Professional Forester" to provide that licensing shall authorize the performance of forestry services only in those subjects where the applicant is competent by training or experience. When the level of expertise would be surpassed in accomplishing a site-specific forestry project, the licensed forester may need to utilize the services of other qualified natural resource professionals, as specified. Nothing in the bill shall preclude such other natural resource professionals from applying scientific knowledge in their field of expertise outside the practice of forestry.
- 2) Change the definition of "Forestry" to mean the science and practice of managing forested landscapes and the treatment of the forest cover in general, and the application of scientific knowledge and forestry

- continued -

SB 1094

Page 1

SB 1094

principles in the fields of fuels management and forest protection, timber growing and utilization, forest inventories, forest economics, forest valuation and finance, and the evaluation and mitigation of impacts from forestry activities on watershed and scenic values. The practice of forestry applies only to those activities undertaken on forested landscapes, and excludes specified occupations involved in specified activities.

- 3) Make the "certified specialist" requirements purely voluntary and repeal the authority of the Board of Forestry to certify or otherwise license wildlife biologists, fishery biologists, botanists, ecological restorationist, stream restorationists, hydrologists, or geologists. The board's authority to develop certified specialties and establish the scope of practice is also repealed.
- 4) Recast the composition of the existing forester license examining committee to make inclusion of a certified specialist optional. If needed, this position can be replaced by an additional professional forester in good standing.
- 5) Provide that professional forester licenses and specialty certificates shall be valid for two years instead of one year. The registration fees charged for such licenses and certificates would continue to be \$250 per year.

COMMENTS

- 1) Background. According to information provided by the author, the State Board of Forestry has interpreted current law to require a professional foresters license or specialty certificate for virtually all occupations and professions involved in management of natural resources. The author states that the purpose of SB 1094 is to limit the BOF's licensing authority to professional foresters and specifically exclude fish and wildlife biologists, botanists, ecological restorationists, stream restorationists, hydrologists and geologists.
- 2) Related Legislation - AB 1185 (Cortese). There is also currently pending other legislation which proposes to redefine the scope of the BOF's licensing authority over professional foresters and closely related occupations. AB 1185 (Cortese) would repeal provisions authorizing individuals to be certified as a specialist as an alternative to being registered as a professional forester and delete the requirement that the BOF develop specialties and the scope of practice.

AB 1185 also clarifies that anyone conducting scientific or regulatory investigations, determinations or review for the purpose of conserving, protecting, enhancing, and restoring fish and wildlife are not required to obtain a professional license or certification from the BOF in order to conduct fish and wildlife management activities. However, the measure specifies that any public agency or professional society may seek certification of their specialty by the BOF on a voluntary basis if the

- continued -

SB 1094

Page 2

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SB 1094

society so chooses. AB 1185 has passed the Assembly and is currently pending in the State Senate.

- 3) Potential Chaptering Problem. As currently amended, both SB 1094 (Killea) and AB 1185 (Cortese) would revise identical provisions of the Professional Foresters Law (as embodied in Section 751, 752, 753, 754, 773 and 782 of the Public Resources Code) and are in conflict. In the event both bills are approved by the Legislature and signed into law, which ever measure is signed last would chapter out the other. The author may wish to work out conforming language with the author of AB 1185 to avoid this problem.

SOURCE: Planning and Conservation League

SUPPORT: American Fisheries Society
 Bosso, Williams, Levin, Sachs & Book Law Offices (Santa Cruz)
 California Association of Professional Scientists
 California Botanical Society
 California Native Plant Society
 California State University, Northridge, Department of Geography
 California Waterfowl Association
 California-Nevada Chapter of the American Fisheries Society
 Chambers Group, Inc.
 Clilburn Corporation
 East Bay Regional Park District
 Ecological Planning Services
 Envicom Corporation
 Genrec/Genetic Resource Consultants
 Greening Associates
 H.T. Harvey & Associates
 Institute for Sustainable Forestry
 John Northmore Roberts & Associates
 Lilburn Corporation
 MEC Analytical Systems, Inc.
 Marin Municipal Water District
 Martha Blane & Associates
 Mendocino Real Wood Co-op
 Michael Brandman Associates
 Mountain Lion Foundation
 Nature Conservancy
 Ogden Environmental & Energy Services
 Philip Williams & Associates, Ltd.
 Planning & Conservation League
 Planning Systems
 Prunuske Chatham, Inc.
 Public Employees for Environmental Responsibility
 Ranlett Wetland Resource Group
 Redwood Community Action Agency
 Salmonid Restoration Federation
 Science Applications International Corporation
 Sierra Club California
 Society for Ecological Restoration, California Chapter
 Sotoyome-Santa Rosa Resource Conservation District

Storrer Environmental Services

- continued -

SB 1094

Page 3

SB 1094

Sycamore Associates
Wetlands Research Associates, Inc.
Wildlife Society, Western Section
Wilderness Society
Zentner & Zentner
8 individuals

OPPOSITION: America, Inc.
Association of Consulting Foresters of America, Inc.,
California Chapter
Board of Forestry
California Forestry Association
California Licensed Foresters Association
Coastal Resources Management
Forest Resources Council
Natural Resources Management Corporation
Northern California Society of American Foresters
6 letters from individuals

BILL ANALYSIS

SB 1094

Killea (I)

5/17/93

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SUBJECT: Forestry: professional foresters

SOURCE: Author

DIGEST: This bill sets forth the tasks performed by a certified forester, and defines "forest landscape."

ANALYSIS: The Professional Foresters Law sets out the requirements to become certified as a professional forester, certified specialist, or qualified but exempt certificant. The purpose of the law is to provide for "the regulation of persons who practice the profession of forestry and whose activities have an impact upon the ecology of wildlands and quality of wildland environment" and "to enhance the control of air and water pollution, the preservation of scenic beauty, the protection of watersheds for flood and soil erosion control and production and increased yield of natural resources including timber, forage, wildlife, water and outdoor recreation, to meet the needs of the people."

A professional forester performs services including, but not limited to consultation, investigation, evaluation, planning or responsible supervision of forestry activities requiring forestry principles and techniques. Instead of being registered as a professional forester, an applicant may request to be registered as a certified specialist in one or more fields of forestry. A qualified but exempt certificant is a person certified through an independent certification program approved by the federal government.

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Part 2, Division 4, of the Public Resources Code sets out the duties and responsibilities of the State Department of Forestry and Fire Protection and the State Board of Forestry in protecting the forest, range, and forage lands of the state.

1. Undertakes activities governed by specified provisions of existing law relating to the protection of forest, range, and forage lands.
2. Conducts specified activities for compensation.

Comments

For the purpose of determining who is and who is not required to be
 §certified as a forester, this bill attempts to define the tasks performed
 §by a certified forester as well as the landscape in which the tasks are
 §performed.

Prior Legislation

AB 1903 (Hauser), Chapter 748, Statutes of 1991, established the certified §specialist but, to date, no certificates in the natural resource §specialities have been developed.

SB 1345 (McCorquodale) of 1992 was passed by the Legislature to, among
 5 other things, exempt Department of Fish and Game personnel and other public
 10 employees from the certified professional forester requirements, but was
 15 vetoed by the Governor who indicated the exemption was "overly broad."

AB 1127 (Campbell) of 1991, which would have redefined certification requirements for professional foresters by deleting the reference to wildlands, thus limiting the practice to forestry only, died in the Assembly.

FISCAL EFFECT: Appropriation: No Fiscal Committee: Yes Local: No

SUPPORT: (Verified 6/1/93)

American Fisheries Society, Western Division
 Bosso, Williams, Levin, Sachs & Book
 California Association of Professional Scientists
 California Botanical Society-Madrono
 California Native Plant Society
 California State University, Northridge, Departme
 California State University, Northridge, Departme
 Chambers Group, Incorporated, Environmental Consu

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Envicom Corporation
Environmental Collaborative
GENREC Genetic Resource Consultants

Greening Associates
H. T. Harvey & Associates, Ecological Consultants
John Rieger and Associates
Leonard Charles & Associates, Environmental Analysis & Planning
Lilburn Corporation
Lisa Bush & Associates
Marine Municipal Water District
Martha Blane and Associates, Habitat Restoration Consulting
Mattole Restoration Council
Mountain Lion Foundation
Occidental College, Los Angeles, Biology Department
Occupational Therapy Service
Ogden Environmental and Energy Services
Philip Williams & Associates, Ltd.
Phoenix Operating Company, Inc.
Planning and Conservation League
Prunuske Chatam, Inc.
Public Employees for Environmental Responsibility
Ranlett Wetland Resources Group
Salmonid Restoration Federation
Shelter Cove Commercial Fishermens' Association
Sierra Club
Society for Ecological Restoration
Stivers & Associates, Environmental Planners
Sycamore Associates
Sycamore Environmental Consultants
The Nature Conservancy
University of California, Berkeley, Dept. Geology and Geophysics
University of California, Los Angeles, Environmental Science & Engineering
§Program, School of Public Health
Verna Jigour Ecological Planning Services
Wetlands Research Associates, Incorporated
Wildlife Society, Western Section

OPPOSITION: (Verified 6/1/93)

California Forestry Association
California Licensed Foresters Association
California State Board of Forestry

ARGUMENTS IN SUPPORT: The proponents contend that the Board of
§Forestry is engaging in regulatory expansion by broadly interpreting
§existing provisions of law to require certification as a professional
§forester to carry out many activities performed by "natural resource
§professionals" such as the practice of botany, wetland ecology, wildlife
§biology, fisheries biology, etc.

Proponents believe that Board of Forestry licensing of all natural resource
§professionals will increase the cost of the environmental work and reduce
§

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SB 1094
Page 4

the number of people in the field, without a concomitant improvement in the quality of work performed.

Proponents believe that enactment of SB 1094 will avoid unnecessary regulation of natural resource professionals, without harming the environment.

ARGUMENTS IN OPPOSITION: The opponents state that this measure could severely reduce the scope of practices for which the state today requires licensure as a forester, limiting those requirements to forestland practices. It would also effectively remove professional forester licensure requirements from individuals performing other, equally important forestry practices, which involve wildlife management.

CP:ctl 6/3/93 Senate Floor Analyses

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Documents associated with SB 1094 in the Session

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History - 1980 bytes

Bill Text

Chaptered - 10/04/93 ASCII - 10320 bytes

Enrolled - 09/01/93 ASCII - 10216 bytes

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Analyses

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Assembly Committee - 08/27/93 - 6669 bytes

Assembly Committee - 08/20/93 - 1351 bytes

Assembly Committee - 07/12/93 - 6601 bytes

Senate Floor - 07/08/93 - 10277 bytes

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Votes

Senate Floor - 09/01/93 - 608 bytes

Assembly Floor - 08/26/93 - 953 bytes

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